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**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W 223

ELAINE JOYCE WELDON, Ph.D.

OAH No. L-2001120174

1919 Garden Street
Santa Barbara, CA 93101

Psychologist's License
No: PSY 8956

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 1, 2003.

It is so ORDERED December 2, 2002.

P. Harmell, Ph.D.

FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
PAMELA HARMELL, PH.D., PRESIDENT

1 BILL LOCKYER, Attorney General
of the State of California
2 JOHN E. DeCURE, State Bar No. 150700
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-8854
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ELAINE JOYCE WELDON, Ph.D.**
1919 Garden Street
Santa Barbara, CA 93101

14 Psychologist's License No. PSY 8956

15
16 Respondent.

Case No. W 223

OAH No. L-2001120174

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant Thomas O'Connor ("Complainant") is the Executive Officer
22 of the Psychology Board of California who brought this action solely in his official capacity and
23 is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
24 Deputy Attorney General John E. DeCure.

25 2. Respondent Elaine Joyce Weldon, Ph.D. ("Respondent"), is represented in
26 this proceeding by attorney Catherine J. Swysen, whose address is Sanger & Swysen, 233 East
27 Carillo Street, Suite C, Santa Barbara, CA 93101.
28

1 3. On or about February 4, 1985, the Board of Psychology of California
2 issued Psychologist's License Number PSY 8956 to Respondent. The Psychologist's License
3 was in full force and effect at all times relevant to the charges brought herein and will expire on
4 October 31, 2002, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. W 223 was filed before the Board of Psychology,
7 Department of Consumer Affairs, ("Board"), and is currently pending against Respondent. The
8 Accusation, together with all other statutorily required documents, was duly served on
9 Respondent on or about October 18, 2001, and Respondent timely filed her Notice of Defense
10 contesting the Accusation. A copy of Accusation No. W 223 is attached as Exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read and discussed with her counsel the nature of
14 the charges and allegations in the Accusation and the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation, the right to be represented by
18 counsel, at her own expense, the right to confront and cross-examine the witnesses against her,
19 the right to present evidence and to testify on her own behalf and to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents, the right to reconsideration
21 and court review of an adverse decision, and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly and intelligently waives and gives up
24 each and every right set forth above.

25 **CULPABILITY**

26 8. Respondent understands that the charges and allegations in the
27 Accusation, if proven at a hearing, would constitute cause for imposing discipline upon her
28 Psychologist's License.

1 9. Respondent admits to the first, second, and third causes for discipline
2 alleged in Accusation No. W 223.

3 10. Respondent agrees that her Psychologist's License is subject to discipline
4 and she agrees to be bound by the Board's imposition of discipline as set forth in the Order
5 below.

6 **MITIGATING CIRCUMSTANCES**

7 11. Respondent has been practicing since 1985 with no prior discipline or
8 complaints. Respondent cooperated with the Board's investigation and has exhibited a desire to
9 take responsibility for her actions.

10 **CONTINGENCY**

11 11. This stipulation shall be subject to the approval of the Board.
12 Respondent understands and agrees that the Board's staff and counsel for Complainant may
13 communicate directly with the Board regarding this stipulation and settlement, without notice to
14 or participation by Respondent or her counsel. If the Board fails to adopt this stipulation as its
15 Order, except for this paragraph the Stipulated Settlement and Disciplinary Order shall be of no
16 force or effect, it shall be inadmissible in any legal action between the parties, and the Board
17 shall not be disqualified from further action in this matter by virtue of its consideration of this
18 stipulation.

19 12. The parties agree that facsimile copies of this Stipulated Settlement and
20 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
21 the original Stipulated Settlement and Disciplinary Order and signatures.

22 13. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board shall, without further notice or formal proceeding, issue and enter the
24 following Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 **IT IS HEREBY ORDERED** that Psychologist's License Number
27 PSY 8956, issued to Respondent Elaine Joyce Weldon, Ph.D., is revoked; the revocation is
28

1 stayed, and Respondent is placed on probation for five (5) years on the following terms and
2 conditions.

3 1. **PSYCHOLOGICAL EVALUATION** Within ninety (90) days after the
4 effective date of this decision and on a periodic basis thereafter as may be required by the Board
5 or its designee, Respondent shall undergo a psychological evaluation (and psychological testing,
6 if deemed necessary) by a Board-appointed California-licensed psychologist. The evaluation
7 shall be regarding substance abuse. Respondent shall sign a release which authorizes the
8 evaluator to furnish the Board a current DSM IV diagnosis and a written report regarding
9 Respondent's judgment and/or ability to function independently as a psychologist with safety to
10 the public, and whatever other information the Board deems relevant to the case. The completed
11 evaluation is the sole property of the Board.

12 If the Board concludes from the results of the evaluation that Respondent is
13 unable to practice independently and safely, Respondent shall immediately cease practice and
14 shall not resume practice until notified in writing by the Board or its designee. During this
15 suspension period, probation will be tolled until successful completion of suspension.

16 If ongoing psychotherapy is recommended for patient safety in the psychological
17 evaluation, the Board will notify Respondent in writing to submit to such therapy and to select a
18 psychotherapist for approval by the Board or its designee within thirty (30) days of such
19 notification. Respondent must select and submit for approval by the Board or its designee a
20 therapist who shall 1) be a California-licensed psychologist or psychiatrist with a clear and
21 current license, 2) be trained in drug and alcohol treatment, and 3) have no previous business,
22 professional, personal or other relationship with Respondent.

23 Frequency of psychotherapy shall be determined upon recommendation of the
24 treating psychotherapist with approval by the Board or its designee; however, psychotherapy
25 shall, at a minimum, consist of one one-hour session per week for a minimum of one year.

Respondent shall continue psychotherapy until released by the approved psychologist and approved by the Board or its designee. The Board or its designee may order a re-evaluation upon receipt of the therapist's recommendation.

Respondent shall execute a release authorizing the therapist to provide the Board any information the Board or its designee deems appropriate, including quarterly reports of Respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the therapist. If the therapist believes Respondent cannot continue to independently render psychological services safely to the public, he/she shall notify the Board immediately.

Respondent shall pay all costs associated with the psychological evaluation and ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation order.

2. **PRACTICE MONITOR** Within ninety (90) days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval, the name and qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2) have no prior business, professional, personal or other relationship with Respondent, and 3) not be the same person as Respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of Respondent.

Once approved, the monitor shall submit to the Board or its designee a plan by which Respondent's practice shall be monitored. Monitoring shall consist of at least one hour per week of individual face-to-face meetings and shall continue for at least one (1) year of the probationary period. If at any time after one (1) year of monitoring Respondent's practice the monitor determines that in his or her judgment Respondent's method of practice is wholly sufficient and may no longer require monitoring in this manner, the monitor may request in writing that the Board consider termination of this term and condition, and the Board may exercise its discretion in deciding whether to terminate this condition early.

Respondent shall provide the monitor with a copy of this Decision and access to Respondent's fiscal and/or patient records. If requested by the monitor, Respondent shall obtain any necessary patient releases to enable the monitor to review records and to make direct contact

1 with patients. Respondent shall execute a release authorizing the monitor to divulge any
2 information that the Board may request. It shall be Respondent's responsibility to assure that the
3 monitor submits written reports to the Board or its designee on a quarterly basis verifying that
4 monitoring has taken place and providing an evaluation of Respondent's performance.

5 Respondent shall notify all current and potential patients of any term or condition
6 of probation which will affect their therapy or the confidentiality of their records (such as this
7 condition). Such notifications shall be signed by each patient prior to continuing or commencing
8 treatment.

9 If the monitor quits or is otherwise no longer available, Respondent shall obtain
10 approval from the Board for a new monitor within 30 days. If no new monitor is approved within
11 30 days, Respondent shall not practice until a new monitor has been approved by the Board or its
12 designee. During this period of non-practice, probation will be tolled and any period of non-
13 practice shall not apply to the reduction of this probationary period. Respondent shall pay all
14 costs associated with this monitoring requirement. Failure to pay these costs shall be considered
15 a violation of probation.

16 3. ALCOHOL AND/OR DRUG ABUSE TREATMENT Complainant
17 acknowledges that as a result of the facts and circumstances established in the Accusation,
18 Respondent subsequently completed the following substance abuse programs and has furnished
19 Complainant with written proof of attendance and completion: Vista Del Mar/ In-Patient
20 Chemical Dependency Unit (in-patient basis; April 5, 1999, through May 13, 1999); C.A.D.A.
21 Project Recovery (65 sessions; July 1, 1999, through August 30, 1999); Zona Seca First Offender
22 Program (3½ months; completed May 26, 2000). Having so stipulated, Complainant does not
23 require Respondent to complete any further drug and/or alcohol treatment courses as a term and
24 condition of this Agreement in addition to the following.

25 Respondent shall attend Twelve Step meetings or the equivalent as approved by
26 the Board or its designee at least once a week during the course of probation. Respondent shall
27 provide documentation of attendance at Twelve Step meetings or the equivalent on a quarterly
28 basis to the Board or its designee.

1 4. **ABSTENTION AND TESTING** Respondent shall abstain completely
2 from the use of alcoholic beverages. Respondent shall undergo random, biological fluid testing
3 as determined by the Board or its designee. Any confirmed positive finding will be considered a
4 violation of probation. Respondent shall pay all costs associated with such testing. The length of
5 time and frequency of this testing condition will be determined by the Board or its designee.

6 5. **COST RECOVERY** Respondent shall pay the Board its costs of
7 investigation and enforcement in the amount of \$1,801.24 within the first year of probation. Such
8 costs shall be payable to the Board of Psychology. Failure to pay such costs shall be considered a
9 violation of probation.

10 6. **PROBATION COSTS** Respondent shall pay the costs associated with
11 probation monitoring each and every year of probation. Such costs shall be payable to the Board
12 of Psychology at the end of each fiscal year. Failure to pay such costs shall be considered a
13 violation of probation.

14 7. **OBEY ALL LAWS** Respondent shall obey all federal, state and local
15 laws, all rules governing the practice of Psychology in California including the ethical guidelines
16 of the American Psychological Association. A full and detailed account of any and all violations
17 of law shall be reported by Respondent to the Board or its designee in writing within seventy-two
18 (72) hours.

19 8. **QUARTERLY REPORTS** Respondent shall submit quarterly
20 declarations under penalty of perjury on forms provided by the Board or its designee, stating
21 whether there has been compliance with all the conditions of probation.

22 9. **PROBATION COMPLIANCE** Respondent shall comply with the
23 Board's probation surveillance program and shall, upon reasonable notice, report to the assigned
24 District Office of the Medical Board of California or other designated probation monitor.
25 Respondent shall contact the assigned probation monitor regarding any questions specific to the
26 probation order. Respondent shall not have any unsolicited or unapproved contact with 1)
27 complainants associated with the case; 2) Board members or members of its staff; or 3) persons
28 serving the Board as expert evaluators.

1 10. **INTERVIEW WITH BOARD OR ITS DESIGNEE** Respondent shall
2 appear in person for interviews with the Board or its designee upon request at various intervals
3 and with reasonable notice.

4 11. **CHANGES OF EMPLOYMENT** Respondent shall notify the Board in
5 writing, through the assigned probation monitor, of any and all changes of employment, location,
6 and address within thirty (30) days of such change.

7 12. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
8 **IN-STATE NON-PRACTICE** In the event Respondent should leave California to reside or to
9 practice outside the State or for any reason should Respondent stop practicing medicine in
10 California, Respondent shall notify the Board or its designee in writing within ten (10) days of
11 the dates of departure and return or the dates of non-practice within California. Non-practice is
12 defined as any period of time exceeding thirty (30) days in which respondent is not engaging in
13 any activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods
14 of temporary or permanent residence or practice outside California or of non-practice within
15 California, as defined in this condition, will not apply to the reduction of the probationary order.

16 13. **EMPLOYMENT AND SUPERVISION OF TRAINEES**
17 Respondent shall not employ or supervise psychological assistants, interns or trainees during the
18 course of this probation. Respondent shall terminate any such supervisorial relationship in
19 existence on the effective date of this probation.

20 14. **VIOLATION OF PROBATION** If Respondent violates probation in
21 any respect, the Board may, after giving respondent notice and the opportunity to be heard,
22 revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition
23 to revoke probation is filed against respondent during probation, the Board shall have continuing
24 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
25 is final. No petition for modification or termination of probation shall be considered while there
26 is an accusation or petition to revoke probation pending against Respondent.

27 15. **COMPLETION OF PROBATION** Upon successful completion of
28 probation, respondent's certificate shall be fully restored.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed the terms and conditions and other matters contained therein with my attorney, Catherine J. Swysen. I understand the effect this stipulation will have on my Psychologist's License. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and Decision of the Board of Psychology, Department of Consumer Affairs, State of California. I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: October 8, 2002

Elaine Joyce Weldon, Ph.D.
ELAINE JOYCE WELDON, Ph.D.
Respondent

I have read and fully discussed with Respondent Elaine Joyce Weldon, Ph.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order and approve its form and content.

DATED: October 9, 2002

Catherine J. Swysen
CATHERINE J. SWYSEN, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology, Department of Consumer Affairs.

DATED: 10-16-02.

BILL LOCKYER, Attorney General
of the State of California


JOHN E. DeCURE
Deputy Attorney General

Attorneys for Complainant

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Exhibit A:
Accusation, Case No. W 223

1 BILL LOCKYER, Attorney General
of the State of California
2 ADRIAN K. PANTON, State Bar No. 64459
Supervising Deputy Attorney General
3 JOHN E. DECURE
Deputy Attorney General
4 California Department of Justice
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8854
6 Facsimile: (213) 897-1071

7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO October 18 2001
BY m. faad ANALYST

9
10 **BEFORE THE**
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. W223

13 ELAINE JOYCE WELDON, Ph.D.
1919 Garden Street
14 Santa Barbara, CA 93101

A C C U S A T I O N

15 Psychologist's License No. PSY 8956

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Thomas S. O'Connor ("Complainant") brings this Accusation solely in his
21 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
22 Affairs.

23 2. On or about February 4, 1985, the Board of Psychology issued
24 Psychologist's License Number PSY 8956 to Elaine Joyce Weldon, Ph.D. ("Respondent"). The
25 Psychologist's License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 31, 2002, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Psychology ("Board"),

1 under the authority of the following sections of the Business and Professions Code ("Code").

2 4. Section 2960 of the Code states:

3 The board may refuse to issue any registration or license, or may issue a
4 registration or license with terms and conditions, or may suspend or revoke the
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
7 be limited to:

8 (a) Conviction of a crime substantially related to the qualifications, functions or
9 duties of a psychologist or psychological assistant.

10 (b) Use of any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic
12 beverage to an extent or in a manner dangerous to himself or herself, any other person, or
13 the public, or to an extent that this use impairs his or her ability to perform the work of a
14 psychologist with safety to the public.

15 (c) Fraudulently or neglectfully misrepresenting the type or status of license or
16 registration actually held.

17 (d) Impersonating another person holding a psychology license or allowing
18 another person to use his or her license or registration.

19 (e) Using fraud or deception in applying for a license or registration or in passing
20 the examination provided for in this chapter.

21 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise, for the referral of
23 clients.

24 (g) Violating Section 17500.

25 (h) Willful, unauthorized communication of information received in professional
26 confidence.

27 (i) Violating any rule of professional conduct promulgated by the board and set
28 forth in regulations duly adopted under this chapter.

1 (j) Being grossly negligent in the practice of his or her profession.

2 (k) Violating any of the provisions of this chapter or regulations duly adopted
3 thereunder.

4 (l) The aiding or abetting of any person to engage in the unlawful practice of
5 psychology.

6 (m) The suspension, revocation or imposition of probationary conditions by
7 another state or country of a license or certificate to practice psychology or as a
8 psychological assistant issued by that state or country to a person also holding a license
9 or registration issued under this chapter if the act for which the disciplinary action was
10 taken constitutes a violation of this section.

11 (n) The commission of any dishonest, corrupt, or fraudulent act.

12 (o) Any act of sexual abuse, or sexual relations with a patient or former patient
13 within two years following termination of therapy, or sexual misconduct that is
14 substantially related to the qualifications, functions or duties of a psychologist or
15 psychological assistant or registered psychologist.

16 (p) Functioning outside of his or her particular field or fields of competence as
17 established by his or her education, training, and experience.

18 (q) Willful failure to submit, on behalf of an applicant for licensure, verification
19 of supervised experience to the board.

20 (r) Repeated acts of negligence.

21 5. Section 2964.6 of the Code states:

22 An administrative disciplinary decision that imposes terms of probation may
23 include, among other things, a requirement that the licensee who is being placed on probation
24 pay the monetary costs associated with monitoring the probation.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Use of Alcohol Affecting Respondent and Her Ability to Practice with Safety to the Public)

27 6. Respondent is subject to disciplinary action under Code section 2960,
28 subdivision (b) in that she has used alcohol in a manner dangerous to herself and to an extent

1 that it has impaired her ability to perform the work of a psychologist with safety to the public.

2 The circumstances are as follows:

3 7. In April 1999, patient C.C.¹ was in therapy with respondent. On or about
4 April 3, 1999, while admittedly under the influence of alcohol, respondent telephoned 911 to
5 report that C.C. had called and told respondent she shot herself. There was no truth to this
6 statement. Respondent admitted she had been drinking and believed she received a telephone
7 call from C.C. reporting that she had shot herself. On or about April 5, 1999, respondent left a
8 telephone message for C.C. in which she stated that she was an alcoholic and would be checking
9 into a rehabilitation center.

10 8. On or about July 26, 1999, respondent entered a plea of no contest to one
11 misdemeanor count of driving with a blood alcohol level of .08% or higher in violation of
12 Vehicle Code section 23152(b) and one misdemeanor count of hit-run driving in violation of
13 Vehicle Code section 20002 in case number 488977 of the Superior Court of the State of
14 California, Santa Barbara County, Figueroa Division. The circumstances of the offense are that
15 on or about March 9, 1999, respondent struck the rear of a parked vehicle and left the scene of
16 the accident. A witness obtained her license plate number and the police found respondent
17 passed out in the driver's seat of her vehicle which was parked in her garage. An open 1.75 liter
18 bottle of Stolichnaya Vodka was found on the floorboard under the steering wheel of the vehicle.

19 SECOND CAUSE FOR DISCIPLINE

20 (Conviction of a Substantially Related Crime)

21 9. Respondent is subject to disciplinary action under Code section 2960,
22 subdivision (a) in that she has been convicted of a crime-substantially related to the
23 qualifications, functions or duties of a psychologist. The circumstances are as follows:

24 10. The facts and allegations in paragraph 8 are incorporated here by
25 reference.

26 _____
27 1. In this Accusation, the patient will be referred to by initials and the full name will be
28 disclosed to respondent when discovery is provided pursuant to Government Code section
11507.6.

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THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to disciplinary action under Code section 2960, subdivision (j) in that she was grossly negligent in the practice of her profession. The circumstances are as follows:

12. The facts and allegations in paragraph 7 are incorporated here by reference.

13. It is an extreme departure from the standard of care to make a 911 emergency call reporting that a patient incurred a self-inflicted gunshot wound without attempting to corroborate this information.

PRAYER

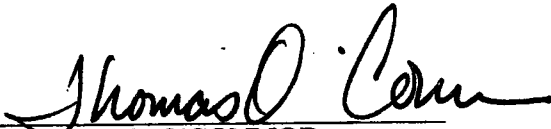
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist's License Number PSY 8956, issued to Elaine Joyce Weldon, Ph.D.;

2. Ordering Elaine Joyce Weldon, Ph.D. to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: October 18, 2001.


THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Elaine Joyce Weldon, Ph.D.

No. : W223

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Elaine Joyce Weldon, Ph.D.
1919 Garden Street
Santa Barbara, CA 93101

7001 1940 0001 2974 7804

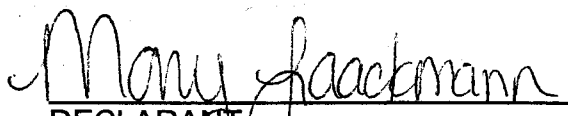
Catherine J. Swysen, Esq.
Sanger & Swysen
233 East Carillo Street, Suite C
Santa Barbara, CA 93101

John E. DeCure
Deputy Attorney General
300 S. Spring St., Ste. 1702
Los Angeles, CA 90013

Each said envelope was then on, December 2, 2002, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, December 2, 2002, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Mary Laackmann
Enforcement Analyst